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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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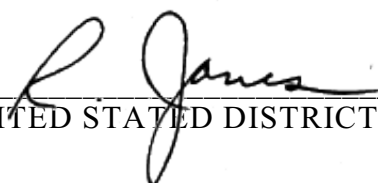
7 UNITED STATES OF AMERICA,)
8 Plaintiff,) 2:08-cr-00038-RCJ-LRL
9 vs.) **ORDER**
10 RUBEN NIETO-SANCHEZ,)
11 Defendant.)
_____)

12 Before this Court for consideration is the Report and Recommendation from
13 Magistrate Judge Lawrence R. Leavitt, entered September 26, 2008 (#26) regarding
14 Defendant's Motion to Dismiss Indictment Based on Prior Unlawful Deportation (#20).
15 No objections have been filed.

16 The Court has conducted a review of the record in this case and determines that
17 the Report and Recommendation of the United States Magistrate Judge entered
18 September 26, 2008, should be affirmed.

19 IT IS THEREFORE ORDERED that Magistrate Judge Leavitt's Report and
20 Recommendation (#26) be affirmed and adopted and that Defendant's Motion to Dismiss
21 Indictment Based on Prior Unlawful Deportation (#20) be **DENIED**.

22 DATED: October 16, 2008

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UNITED STATES DISTRICT COURT